

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IRMA MENDEZ,

Plaintiff,

vs.

FIESTA DEL NORTE HOME OWNERS
ASSOCIATION, et al.,

Defendants.

Case No. 2:15-cv-00314-RCJ-NJK

ORDER

(Docket No. 90)

Pending before the Court is Plaintiff Irma Mendez's third motion for the issuance of a subpoena. Docket No. 90. For the reasons discussed below, Plaintiff's motion is hereby **GRANTED**.

Rule 45 of the Federal Rules of Civil Procedure governs the issuance of subpoenas to non-parties. Such subpoenas may issue from the Court, signed by the Court Clerk or an attorney authorized to practice before the Court. Fed. R. Civ. P. 45(a)(3). *Pro se* litigants need the Court Clerk to issue a subpoena. *Alcon v. Bright*, 2015 WL 5559896, at *2 (N.D. Cal. Sept. 18, 2015). In accordance with Rule 45(a)(3), "[t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it[, and] that party must complete it before service." Fed. R. Civ. P. 45(a)(3).

Here, Plaintiff seeks to subpoena one non-party: BAC Home Loans Servicing. Accordingly, the Court "will grant [Plaintiff's] request [for issuance of a subpoena] and direct the Clerk of Court to issue the subpoena in blank and [send] it to Plaintiff to fill out." *Banks v. Joyce*, 2014 WL 7330938, at *1 (D. Nev. Dec. 19, 2014) (Leen, M.J.). "This practice is not uncommon in this district." *Antonetti v. Neven*, 2014 WL 1089661, at *2 (D. Nev. Mar. 18, 2014) (citing *McCurdy v. N. Las Vegas Officer Johnson*,

1 No. 08-cv-1767-JAD-PAL (Docket No. 84 at 5-6) (D. Nev. Aug. 23, 2013) (Leen, M.J.) (ordering the
2 Clerk of Court to “issue a subpoena duces tecum and send it to the Plaintiff who shall describe the
3 documents he is requesting and serve it on [opposing] counsel”). Plaintiff is advised that she must
4 comply fully with Rule 45. *Banks*, 2014 WL 7330938, at *1 (D. Nev. Dec. 19, 2014) (telling *pro se*
5 Plaintiff to carefully read the same).¹

6 IT IS SO ORDERED:

- 7 1. Plaintiff’s motion (Docket No. 90) is **GRANTED** to the extent that the Clerk of Court
8 shall issue a blank subpoena on form AO 88A, and mail it to Plaintiff.
- 9 2. To the extent Plaintiff requests any relief other than the issuance of a blank subpoena,
10 that request is **DENIED**.

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12 DATED: January 5, 2016.

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15 NANCY J. KOPPE
16 United States Magistrate Judge
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27 ¹The Court expresses no opinion as to whether the subpoena requested is appropriate and/or timely.
28 Nothing in this shall order be construed as preventing the subpoena recipient from filing any motions it
deems appropriate.